
SENATE BILL 5276

State of Washington 60th Legislature 2007 Regular Session

By Senators Kohl-Welles, Poulsen, Rockefeller, Morton, Shin,
Pridemore, Holmquist and Rasmussen

Read first time 01/15/2007. Referred to Committee on Consumer
Protection & Housing.

1 AN ACT Relating to automatic dialing and announcing devices; adding
2 a new chapter to Title 19 RCW; repealing RCW 80.36.400; and prescribing
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** Protecting the well-being, tranquility, and
6 privacy of the home is of the highest order in a free and civilized
7 society, and the efficient conduct of private businesses and government
8 operations are of significant government interest. The legislature
9 finds that automatic calling and announcing devices uniquely intrude
10 into these interests.

11 NEW SECTION. **Sec. 2.** The definitions in this section apply
12 throughout this chapter unless the context clearly requires otherwise.

13 (1) "Automatic dialing and announcing device" means a device that
14 automatically dials telephone numbers and plays a recorded message once
15 a connection is made.

16 (2) "Message" means any communication, regardless of its content.

1 NEW SECTION. **Sec. 3.** (1) No person or entity may use an automatic
2 dialing and announcing device before 9:00 a.m. or after 9:00 p.m.

3 (2) No person or entity may use an automatic dialing and announcing
4 device unless: (a) The called party has given written or electronic
5 consent to receive the message; or (b) the recorded message is
6 immediately preceded by a live operator who obtains the called party's
7 consent before the message is played.

8 (3) All messages delivered by an automatic dialing and announcing
9 device must begin with the following information: (a) The name and
10 contact information of the person or entity for which the message is
11 being made; (b) the purpose of the message; and (c) if applicable, the
12 fact that the message intends to solicit payment or commitment of
13 funds.

14 (4) This section does not apply to the following: (a) Messages
15 from federal, state, or local government entities or municipal
16 corporations; (b) messages from schools to their students, parents,
17 guardians, or employees; (c) messages from businesses to their
18 employees; (d) messages to called parties with whom the caller has a
19 current business or personal relationship; and (e) messages concerning
20 an emergency affecting public safety.

21 (5) This section applies to all calls intended to be received by
22 telephone customers within the state.

23 (6) Any recipient of a message from an automatic dialing and
24 announcing device may bring an action against a person who has violated
25 this section for the amount of one thousand dollars per violation.
26 This action is in addition to any other penalty or remedy under chapter
27 19.86 RCW.

28 (7) The legislature finds that the practices covered by this
29 chapter are matters vitally affecting the public interest for the
30 purpose of applying the consumer protection act, chapter 19.86 RCW. A
31 violation of this chapter is not reasonable in relation to the
32 development and preservation of business and is an unfair or deceptive
33 act in trade or commerce and an unfair method of competition for the
34 purpose of applying the consumer protection act, chapter 19.86 RCW.

35 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute
36 a new chapter in Title 19 RCW.

1 NEW SECTION. **Sec. 5.** RCW 80.36.400 (Automatic dialing and
2 announcing device--Commercial solicitation by) and 1986 c 281 s 2 are
3 each repealed.

--- END ---